

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

TODD McCLASKEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:03CV00066 AGF
)	
LA PLATA R-II SCHOOL DISTRICT,)	
et al.,)	
)	
Defendants.)	

ORDER

By Order dated February 6, 2006, the Court set forth two alternatives to Plaintiff: to file on or before February 15, 2006, “either (1) a document withdrawing his request to file pro se pleadings (Doc. No. 126-6), or (2) his pro se affidavit and other documents responsive to Defendants’ motions for summary judgment.” (Doc. No. 128). The Court advised Plaintiff that in the event he chose the second option, the Court would terminate the appointment of Plaintiff’s attorney, and Plaintiff would thereafter retain his own attorney or proceed pro se for the balance of the Court proceedings. A copy of this Order was sent by mail to Plaintiff’s home address.

Plaintiff’s attorney has now filed a response to the Court’s Order informing the Court that Plaintiff did not communicate to him that Plaintiff wants to withdraw documents presented pro se. In fact, Plaintiff asked counsel to submit another pro se document to the Court. Such conduct on Plaintiff’s part is clearly inconsistent with the first alternative noted above.

This Court has repeatedly advised Plaintiff that he cannot proceed in this case both representing himself and through appointed counsel. Inasmuch as Plaintiff continues to represent dissatisfaction with appointed counsel, continues to cause pro se

pleadings to be filed, and has not directed that his prior request to file pro se pleadings be withdrawn, the Court shall terminate its prior appointment of counsel.


Accordingly,

IT IS HEREBY ORDERED that the appointment of Casey J. Welch as counsel for Plaintiff is **TERMINATED**. Plaintiff shall proceed in this case pro se, unless he retains counsel to represent him.

IT IS FURTHER ORDERED that Plaintiff's request, filed on February 3, 2006, to file pro se documents in opposition to Defendants' motions for summary judgment is **GRANTED**. All such documents filed to date, as well as the memorandum and documents submitted by Plaintiff's counsel in opposition to the motions for summary judgment, shall be considered by the Court in ruling on the motions for summary judgment.

IT IS FURTHER ORDERED that Plaintiff shall have up to and including **March 3, 2006**, to submit any additional arguments or evidence in response to Defendants' motions for summary judgment. Defendants shall have until **March 13, 2006**, to file any further reply.

The Clerk of Court is directed to send a copy of this Order to Plaintiff's home address.



AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 21st day of February, 2006